

21 C.J.S. Courts § 2

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

I. In General

A. General Nature, Power, and Administration of Courts

§ 2. Judicial power exercised by court

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  1

The exercise of lawful or authorized power by the courts is an exercise of judicial power regardless of the source or derivation of the power.

The courts, as the judicial branch of government,¹ exercise judicial power,² and the lawful or authorized exercise of power by the courts is an exercise of judicial power,³ in the sense of the judicial power of the State.⁴ The courts' judicial power is the power to administer justice,⁵ adjudicate disputes,⁶ or hear and determine cases⁷ on the merits,⁸ or decide and pronounce judgment and carry it into effect regarding the parties before the court,⁹ whether the source of that power is constitutional, statutory,¹⁰ a matter of common law,¹¹ or otherwise derived.¹²

Courts also have inherent and implied authority and power by virtue of their existence as courts.¹³

CUMULATIVE SUPPLEMENT

Cases:

Judicial action must be governed by standard, by rule, and must be principled, rational, and based upon reasoned distinctions found in the Constitution or laws. [Rucho v. Common Cause](#), 139 S. Ct. 2484 (2019).

If properly invoked, mandatory claim-processing rules must be enforced, but they may be waived or forfeited. [Hamer v. Neighborhood Housing Services of Chicago](#), 138 S. Ct. 13 (2017).

Jurisdiction is the power to decide erroneously as well as correctly. *Shepherd v. Shepherd*, 383 P.3d 693 (Idaho 2016).

Generally, a court's authority to act is limited to those actions authorized by constitution, statute, or common law. *State v. Neuman*, 631 S.W.3d 866 (Tex. App. San Antonio 2021).

[END OF SUPPLEMENT]

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 § 1.
- 2 Ill.—*Uphoff v. Grosskopf*, 377 Ill. Dec. 582, 2 N.E.3d 498 (App. Ct. 4th Dist. 2013), appeal pending, (Mar. 1, 2014).

N.M.—*Harrison v. Board of Regents of University of New Mexico*, 2013-NMCA-105, 311 P.3d 1236, 298 Ed. Law Rep. 518 (N.M. Ct. App. 2013), cert. quashed, 2014-NMCERT-005, 326 P.3d 1112 (N.M. 2014).

Tenn.—*Hooker v. Haslam*, 393 S.W.3d 156 (Tenn. 2012).

Tex.—*Henry v. Cox*, 483 S.W.3d 119 (Tex. App. Houston 1st Dist. 2015), petition for review filed, (Feb. 5, 2016).

Va.—*Cabral v. Cabral*, 62 Va. App. 600, 751 S.E.2d 4 (2013).
- 3 Mass.—*Campatelli v. Chief Justice of Trial Court*, 468 Mass. 455, 11 N.E.3d 115 (2014).

Or.—*Couey v. Atkins*, 357 Or. 460, 355 P.3d 866 (2015).

Tex.—*Henry v. Cox*, 483 S.W.3d 119 (Tex. App. Houston 1st Dist. 2015), petition for review filed, (Feb. 5, 2016).

Wash.—*Spratt v. Toft*, 180 Wash. App. 620, 324 P.3d 707 (Div. 1 2014).
- 4 Tex.—*Henry v. Cox*, 483 S.W.3d 119 (Tex. App. Houston 1st Dist. 2015), petition for review filed, (Feb. 5, 2016).
- 5 Haw.—*AlohaCare v. Department of Human Services*, 127 Haw. 76, 276 P.3d 645 (2012), as corrected on other grounds, (May 18, 2012).
- 6 U.S.—*Gad v. Kansas State University*, 787 F.3d 1032, 318 Ed. Law Rep. 625 (10th Cir. 2015).

Haw.—*AlohaCare v. Department of Human Services*, 127 Haw. 76, 276 P.3d 645 (2012), as corrected on other grounds, (May 18, 2012).

Ill.—*Uphoff v. Grosskopf*, 377 Ill. Dec. 582, 2 N.E.3d 498 (App. Ct. 4th Dist. 2013), appeal pending, (Mar. 1, 2014).

Ky.—*Holt v. Holt*, 458 S.W.3d 806 (Ky. Ct. App. 2015).
- 7 Conn.—*State v. Smith*, 150 Conn. App. 623, 92 A.3d 975 (2014), certification denied, 314 Conn. 904, 99 A.3d 1169 (2014).

Ind.—*Grandville Co-op., Inc. v. O'Connor*, 25 N.E.3d 833 (Ind. Tax Ct. 2015).

Minn.—*In re Bd. of Managers of Bois de Sioux Watershed Dist.*, 818 N.W.2d 583 (Minn. Ct. App. 2012).

8 Ill.—*Guava LLC v. Comcast Cable Communications, LLC*, 381 Ill. Dec. 565, 10 N.E.3d 974 (App. Ct. 5th Dist. 2014).

Ohio—*Jones v. Ohio Edison Co.*, 2014-Ohio-5466, 26 N.E.3d 834 (Ohio Ct. App. 11th Dist. Ashtabula County 2014), appeal not allowed, 143 Ohio St. 3d 1405, 2015-Ohio-2747, 34 N.E.3d 133 (2015).

9 Tex.—*Dix v. State*, 289 S.W.3d 333 (Tex. App. Eastland 2009), petition for discretionary review refused, (Sept. 23, 2009).

10 § 1.

11 Or.—*Couey v. Atkins*, 357 Or. 460, 355 P.3d 866 (2015).

12 Tex.—*Henry v. Cox*, 483 S.W.3d 119 (Tex. App. Houston 1st Dist. 2015), petition for review filed, (Feb. 5, 2016).

13 § 5.

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.